

Chapter 2 Land Use Plan

Vision

Land use decisions preserve and enhance the rural character and natural resources of Talbot County, and are based on full participation of our citizens. The desirable Talbot County growth rate that shall maintain or improve our quality of life. Growth management in the County recognizes the fragile nature of our unique geography. Sustainable growth is related to the ~~adequacy~~ ability to provide resources and infrastructure.

Business and residential development will be guided into the planned growth areas and Population Centers consistent with the principles of smart growth. The Countryside Preservation designation, with its limited development allowance, surrounds the towns and creates a distinct boundary between urban and rural landscape.

Further, the Towns and the County, respecting each other's values, work plan together striving for harmonious transitions at their boundaries. The resulting compact land use pattern provides sufficient urban locations for anticipated growth while the County's rural lands remain so.

Land use policies recognize the very special nature of the County's bayside with its fragile ecological composition. This series of narrow peninsulas bounded by tidal streams, feature farmland interspersed with modestly scaled historic towns and villages. This environmental gem, along with its waterborne and agricultural heritage, needs the care of finely tuned land use tools and environmental protection to ensure its viability for the generations to come.

Goal

To promote and maintain a well-planned pattern of land and water resource use through which compatible and efficient development is concentrated in areas where environmental impacts will be minimized retaining the County's overall rural character while providing for anticipated growth in appropriate locations with suitable public and private community services.

I. Introduction

Talbot County's rural landscape evolved from its rich history as a farming and maritime community. The landscape is dotted with classic towns and villages that developed at crossroads, landings and former mill sites to serve the seafood, boat building and agriculture industries.

This plan seeks to maintain Talbot County's rural pattern of settlement by guiding urban development to Population Centers where public infrastructure exists and by discouraging development in the County's most rural and environmentally sensitive areas.

Growth management is not a new concept for Talbot County. The 1973 *Comprehensive Plan* included the objective to "Encourage new development to locate in and around existing population centers." However, the efforts to accomplish this objective were overcome by a growing demand for then-permitted two-acre rural lots.

In the late 1980s and early 1990s, two important actions significantly strengthened policies to maintain the County's rural character. In 1989, the Talbot County Critical Area Program was adopted, establishing the **Rural Conservation (RC)** zoning district within the Critical Area. This to implement the state's Critical Area program effectively converted 57,498 waterfront acres from

two and five acre residential lots to a one dwelling unit per 20 acre density.

Following the 1990 comprehensive plan update, which reaffirmed core land conservation goals, the County adopted a Rural Agricultural Conservation (**RAC**) zoning district. The **RAC** replaced a 2-acre per lot zoning density with a residential development density closer to one dwelling unit per 20 acres. Three lots were permitted for the first six acres of a parcel with the remaining acreage requiring 20 acres for each additional dwelling unit.

These zoning changes reduced development density over more than 87% of the County's land mass. The 1990 *Comprehensive Plan* also called for significant changes to County development ordinances and policies, which were reinforced by the 1997 Plan update, and were largely implemented.

The 2005 *Comprehensive Plan* built on the goals and policies of prior plans; that is, strengthening the growth management policies that guide development in and around existing Population Centers and limit the outward expansion of those centers into the rural areas. **Countryside Preservation (CP)** zoning districts were established around the towns, defining the ultimate extent of urban development and providing for an orderly transition between town and County.

As framework for organizing land use policy, the County has been divided into three primary land use policy sectors; Development and Growth, Rural Reserve and Sensitive Areas, which are described in the next section. For each sector guiding principles have been established and resulting implementation measures are judged on their consistency with the principles. A pattern, scale, and mix of land uses define each sector. Community character can be readily categorized within the sectors.

In the overview, the Plan's land use strategies focus on limiting development in environmentally sensitive and rural areas, while encouraging growth in the incorporated towns and their adjacent Designated Growth areas. This strategy is designed to accomplish the County's land use vision and goal.

In addition, some village communities ~~to the County's designated growth areas~~ have been identified as Priority Funding Areas (PFAs), areas where the state can make economic infrastructure investments to support sustainable development. Future development in PFAs should be compatible with the pattern, scale and mix of land uses proposed in this Comprehensive Plan.

In the next section the general land use plan is presented, which includes a discussion of existing and future land use conditions followed by an implementation strategy for the chapter's land use policies and recommendations.

Countywide Land Use Policies

2.1 The County should preserve its unique rural landscape through conservation of farmland, forestlands, and environmentally sensitive lands by application of land use regulations and easement programs that conserve open space in rural areas.

2.2 The County should continue a restrictive approach toward the use of land over which it has zoning authority, and new development should be of a controlled nature and channeled into the most appropriate areas and discouraged in others.

2.3 Most new residential, institutional, commercial, business and industrial development should be located in Designated Growth areas, incorporated towns and designated Village Planning areas.

2.4 The County shall prohibit strip commercial development along County and State roadways.

2.5 Sensitive environmental areas shall be protected or mitigated onsite ~~where they occur~~ to the greatest extent possible.

II. General Land Use Plan

The strategy for keeping the County's rural character is dependent upon preserving rural lands and open space, and encouraging future residential, commercial, and industrial growth to occur in ~~proximity to~~ the incorporated towns, existing Designated Growth Areas and Village Population Centers with suitable infrastructure. Development in rural areas will be limited to low density residential and low intensity uses that preserve open space and supports conditions for farming to continue. Farmland accounts for most of the County's open space and scenic character. The box below lists the County's general land use policies.

As noted earlier, the County's general land use policy sectors are:

- 1 . Development and Growth
- 2 . Rural Reserve
- 3 . Sensitive Areas

To use a finer grain to analyze particular regions of the County, the land use sectors are further broken down into planning areas, which include:

1. Development and Growth Sector
 - a. Designated Growth
 - b. Future Growth
 - c. Existing Commercial
 - d. Community ~~Conservation~~ Character
 - e. Rural Residential
2. Rural Reserve
 - a. Agriculture
 - b. Countryside Preservation
3. Sensitive Areas
 - a. Chesapeake Bay Critical Area
 - b. Western Rural Conservation

The Land Use Policy and Planning Area map graphically represents the County's preferred land use pattern. The map and plan provide the basis for delineating zoning districts, developing public works plans and establishing development standards.

Future County growth and development should generally conform to this map and the accompanying planning area policies. Therefore the adopted implementing ordinances shall be consistent with this plan by both local and state policy.

A. Planning Areas

Within the three policy areas are more detailed planning areas, with specific zoning designations and recommendations as described below. This section begins with a discussion of existing developed area conditions and then turns to future growth and the policies designed to guide it.

1. Development and Growth Sectors

a. Existing Developed Areas

Four of the County's five incorporated towns (Easton, St. Michaels, Oxford and Trappe) are the County's principal residential, commercial and industrial centers. Prior to 1940, about 40% of new arrivals have settled within incorporated towns. The majority of County businesses (and hence places of employment) are also located in the towns.

The Town of Queen Anne, with its population of 220, lacks public infrastructure and is in some respects more akin to a village than a town. Limited growth is anticipated in Queen Anne and so it is not considered in the Development and Growth sector.

Talbot County's municipalities possess adequate public facilities and services. Also, additional facilities can most efficiently be provided in these towns. The four full-service towns therefore are the logical locations for compact development and future investments in public infrastructure. Concentrating residential, commercial and industrial growth in the four towns will deflect development pressure from the County's agricultural and environmentally sensitive areas.

The four towns discussed above have their own planning and zoning authority along with an existing infrastructure network capable of supporting planned growth. They have identified areas for future annexation and growth in their own comprehensive plans, which are recognized in delineating the Development and Growth sector. The County will continue to support efforts of municipalities to plan for and provide the infrastructure necessary to accommodate their planned portion of the County's residential and business growth. Doing so will further this Plan's objectives to direct growth to the County's existing population centers.

Detailed land use plan maps for areas surrounding the four incorporated towns begin on page 2-6.

b. Designated Growth Areas

These growth areas are located adjacent to the incorporated towns and designated by mutual agreement with the towns, along with the town conservation districts. Designated Growth areas encompass or are adjacent to existing urban and suburban development and at the boundary of the **Town Conservation** and the **Countryside Preservation** zoning designations delineate the ultimate limit of urban scale improvement.

Designated Growth Areas encompass over 4,275 acres countywide. Development is anticipated to occur in Designated Growth Areas only after annexation into the adjacent town. Such development will then be regulated by the municipalities, ideally creating compact mixed-use neighborhoods and non-residential districts.

Annexation and development within growth areas should occur incrementally, with properties on the inner ring receiving the higher priority for annexation and development. "Leapfrog" development of properties at low densities on the outer perimeter of growth areas shall be avoided, along with "pipestem" or "panhandle" annexations by towns. The County supports orderly town expansion and discourages premature development at the growth areas' extremities.

Future commercial development is encouraged to locate within the towns or as infill and redevelopment of existing commercial areas. Large-scale commercial uses, including shopping

centers and ‘big box’ retail will not be permitted in the County’s identified growth areas, but may be developed upon annexation into a town.

Business and industrial uses will also be encouraged to locate within the towns but may be located in appropriate County zoning districts. Commercial and industrial planning areas contain parcels zoned for such activities. The purpose of these sites is to provide appropriate and adequate areas for future employment. They are not appropriate locations for large-scale retail. There are a limited number of un-annexed acres in the County designated for industrial and commercial development, primarily surrounding the Town of Easton.

The County will coordinate with towns to ensure that growth areas are developed with adequate public facilities and services, proper quality community design and appropriate environmental safeguards. The growth areas associated with each of the four towns are discussed below, along with any special circumstances.

i. Easton Growth Areas — The *Town of Easton’s 2010 Comprehensive Plan* identifies an urban growth boundary that corresponds to this plan’s **Town Conservation (TC)** zoning designation. The land located between the existing municipal boundary and the inner edge of the **Countryside Preservation (CP)** zoning designation are delineated by Easton’s comprehensive plan as priority 1,2, and 3 growth areas. Individual properties may be zoned for residential, commercial or industrial uses under the County Zoning Ordinance (see Map).

The first priorities are Easton’s ‘Boundary Refinement’ areas, i.e., properties expected to be annexed within five years to ‘clean up’ the Town boundary or to be served by municipal sewer and water for health and safety reasons.

Priority 2 areas are anticipated to be annexed within a five to twenty year planning period. Lands designated **TC** in the County’s Zoning Ordinance are limited in development density until they are annexed by the Town. Generally, Priority 2 and 3 areas are identified by the state as priority funding “comment areas”, and are not automatically eligible for state development funding.

The Priority 3 (future) growth areas include all other land between the County’s **Countryside Preservation** areas and town boundaries. These areas are identified in Easton’s plan for urban expansion in the very long-range plan (20 years or later). These areas are not now designated growth areas, nor are they Priority Fund Areas, in the Town’s or this Plan.

Easton plans to permit future residential growth at urban densities, consistent with priority funding area densities (3.5 or greater units per acre). The proposed land use patterns in the Town’s Designated Growth areas include well-defined, connected neighborhoods with an integrated mix of residential, neighborhood-scale commercial, civic, and open space uses. This is designed to encourage functioning neighborhoods complete with recreation and opportunities for social interaction, rather than single-use suburban style subdivisions.

ii. Other Town Growth Areas — The Town of Trappe’s future growth area lies mainly to the south of the incorporated town. The Town does not intend to annex this area in the near future, though it is included in Trappe’s comprehensive plan as a planned urban expansion area. County zoning (**Town Conservation**) limits development intensity in growth areas until they are annexed.

St. Michaels and Oxford have identified only limited growth areas with no specified timeframe or plans for annexation. (See town maps are on pages 2-6 through 2-8.)

This completes the review of growth and future development; infill and redevelopment areas are covered next.

c. Community ~~Conservation~~Character

Notable among the County's residential areas are its ~~V~~villages~~-Center areas~~, unincorporated communities that are found distributed throughout the County.

Other small, isolated areas are zoned **General Commercial (GC), Limited Commercial (LC), or Limited Industry (LI)**, based on past land uses such as country stores, vegetable canneries, etc. No significant growth or expansion is anticipated for these small sites.

Village~~-Centers~~ are low or moderate density historic residential communities with limited neighborhood commercial and other uses or services. They are an important component of rural character, providing a pleasingly scaled and textured contrast to the County's more urban areas.

Village~~-Centers~~ are recognized for their significant heritage and pattern of development. Villages are designated ~~for~~ Community Conservation-Character in order to safeguard these ~~characteristics~~ attributes while providing for some measure of growth and redevelopment. In its Smart Growth Act of 1998, the State of Maryland defines a rural village as an:

"...unincorporated area that is primarily residential, including an area with historic qualities, that is located in an otherwise rural or agricultural area and for which new growth, if any, would derive primarily from in-fill development or limited peripheral expansion. ~~Each county has an opportunity to certify rural villages as PFAs without having to the meet density and infrastructure requirements that the law requires of other county-certified PFAs.~~"

The State also provides guidance for establishing rural village boundaries in the *Models and Guidelines* document *Smart Growth: Designating Priority Funding Areas*.

This and other planning guides can be viewed and downloaded at <http://www.mdp.state.md.us/OurProducts/publications.shtml#planningGuides>. ~~Instructions explain, in part:~~

~~"Because there is no jurisdictional boundary, some other form of identifiable edge is needed to define the area within which growth-related projects may be funded. The 'Smart Growth' Areas Act states that the PFA boundary in a rural village shall be the 'periphery of the developed portion' of the village. The village's developed periphery is a planning line drawn around the aggregation of residential, commercial, and institutional structures, along with formal community open spaces, that are logically inter-connected and generally perceived as forming the village and exhibiting common characteristics."~~

~~"Vacant lots that are a logical part of and connected to the village should not be excluded. It is best not to include large adjacent, vacant parcels as part of the rural village PFA if this land can accommodate enough buildings to increase the number of dwellings by more than ten percent. However, small frontage portions of much larger parcels can be severed from the 'back forty acres' and included in the PFA if it makes good planning sense in terms of village character and the efficiency of land use and use of public services."~~

Several village communities experience problems with failing septic systems due to combinations of small lot sizes, poor soil conditions and a high groundwater table. Connections to existing

wastewater treatment facilities or local shared facilities are the most practical approaches for correcting existing problems without promoting excessive new development. Methods will be pursued through comprehensive sewer and water plans updates to address public health concerns.

Village ~~Centers~~ should be required to maintain their sense of place as identified by their existing architectural character, scale, mix of uses and density of development. For this Plan's purposes, infill shall be limited to completing development on existing lots of record at the density permitted.

~~Additionally, as a guide for infill development resulting from subdivision of existing village parcels, new lots created on such parcels shall be limited to ten percent of the existing number of buildable lots within the village.~~

This chapter reemphasizes the recommendations of the *2005 Comprehensive Plan* concerning village boundaries with respect to the state's criteria and County land use policies. Maps of the County's 22 villages are attached as Appendix A, Map A-1 through A-20 as illustrative examples of reasonable boundary modifications. All ~~VC-village~~ areas should be examined as part of a comprehensive rezoning based on this Plan.

Village ~~Center~~-planning is discussed in greater detail in Chapter 9, *Community Design and Appearance*.

d. Rural Residential

Other moderate density residential communities are identified in this plan as **Rural Residential** and are also designated as **Limited Development Areas (LDA)** in the County's Chesapeake Bay Critical Area Plan. Though these areas are largely developed, some infill and redevelopment is anticipated.

During the second half of the twentieth century, Talbot County experienced suburban style large lot growth, characterized by uniform subdivisions that consumed farm and forest with curvilinear and cul-de-sac street patterns. Largely built out, these developments have little if any additional growth capacity.

The County does not foresee permitting more development of this type. Rather, the primary emphasis in these areas is to insure that infill and redevelopment is done in an environmentally sensitive manner. Development in the County's Critical Area is regulated to insure water quality and to reduce habitat impacts.

Development and Growth Planning Sector Policies

2.6 The County should coordinate with the towns in the review and approval of development projects adjacent to the towns and in matters of town annexations.

2.7 County development regulations for Designated Growth Areas support the orderly expansion of the towns by discouraging premature development in these areas.

2.8 ~~Future residential~~The application and enforcement of the County Zoning and~~s~~Subdivision development aroundOrdinance in the vicinity of the Easton Airport ~~should be prohibited~~will be in conformance with FAA safety and noise abatement regulations.

2.9 County development regulations in the Easton and Trappe Future Growth Areas should prohibit premature urban or suburban development until such time as these areas are annexed into the adjoining town.

2.10 Large-scale commercial uses, including shopping centers/districts and big box retail shall be limited

to the incorporated towns.

2.11 Concentrations of commercial and industrial uses should be located in well-planned centers or parks within the towns, or as infill and redevelopment of existing commercial/industrial areas.

2.12 Industrial uses in ~~Village-Centers~~ should be limited to those that support agriculture, forestry and commercial maritime uses.

2.13 The County will prepare development standards requiring new non-residential development be compatible with the scale and architecture ~~in-of-a Village-Centers~~.

2.14 Village growth ~~shall be limited to~~ should derive primarily from infill and peripheral development. Residential infill development and redevelopment should be compatible with existing character and density of the village.

2.15 A master plan is required in designated Villages-Village Planning areas desiring to produce a small area plan to help define its village character and to assist County planning by providing its growth aspirations shall be assisted by County staff to develop such plans. Draft village plans shall be vetted with village residents to determine a general consensus on the village's recommendations to the County for applicable future growth policies.

2.16 The County will promote housing rehabilitation and affordable housing initiatives, ~~where environmental and other conditions permit.~~

2.17 Infill development and redevelopment of existing residential subdivisions, and existing neighborhoods in rural areas should be compatible with existing character and density.

2.18 New buildings or redevelopment of existing buildings on existing lots should be located outside of habitat protection areas or lands threatened by flooding or shoreline change. Neighborhoods in rural areas should be compatible with their existing character and density.

2. Rural Reserve

The County's rural reserve contains the majority of the County's working lands (labeled Agriculture and zoned **Agricultural Conservation, AC**) and the boundary area between urban areas and the County's rural lands (labeled and zoned **Countryside Preservation, CP**). The Rural Reserve is designated to maintain a critical mass of cropland, pasture and forest to support agriculture and define the edge between urban and rural Talbot County. The two sub-units of the Reserve are discussed below.

a. Agriculture

The agriculture planning areas encompasses the bulk of rural land in the eastern half of the County. These areas are characterized by farms, forestry, open space, low-density single-family homes, and agriculturally related commercial and industrial establishments.

Agricultural and forestry activities are the preferred land uses within these areas. Future residential development in the Agriculture planning area should be designed to preserve productive agricultural lands, woodlands, open space, environmentally sensitive resources and rural character. ~~In-fill development of existing residential subdivisions shall be limited to the density allowed when the subdivision was approved.~~

Conservation of agricultural lands and open space through purchase of development rights (PDR) programs is encouraged in this region, which is identified as a Priority Preservation Area for agriculture (see Chapter 5, Agriculture). Some 11,000 acres of farm and forest land has been

permanently protected through the Maryland Agricultural Land Preservation Program (MALPF), a purchase of development rights program established by the state in 1977. The County should continue its participation in this program to meet its agricultural land preservation goal.

These lands are generally classified **Tier IV** in the regulations for subdivision on septic systems known as SB 236 (see detailed explanation beginning on page). Clustering is required for the majority of lots in new residential subdivisions permitted in this planning area. Clustering shall be designed to maintain agricultural use on the remaining nonresidential portion of the parcel.

Permanent land preservation, mandatory clustering and lower residential densities have successfully conserved valuable agricultural land and open space, while allowing landowners to retain a degree of development potential and equity. This approach should be continued.

b. Countryside Preservation

To maintain its rural character, Talbot County, has established zoning districts which permanently preserve agriculture, forest, wetlands, countryside and other large open spaces at the periphery of the town's Designated Growth areas. These **Countryside Preservation (CP)** zoning areas include existing rural residential communities and other low-density developed land.

By defining the limits of urban growth around the towns, these areas ensure that towns will be properly bounded to help maintain their identity in the landscape and that urbanization is not permitted to erode the County's rural character.

The **Countryside Preservation** zoning district is a priority area for land preservation measures such as conservation easements. Additional implementation techniques, such as purchase of development rights programs may be considered in order to insure permanent preservation.

The Rural Reserve planning policies are listed in the box below.

Rural Reserve Planning Area Policies

2. 19 A definitive **Countryside Preservation** area shall be maintained at the outer perimeter of the Designated Growth areas.

2. 20 Open space, agriculture, forestry, and low density single-family detached residential uses are the preferred uses in the Rural Reserve Planning Area.

2.21 The County will continue to encourage cluster development and preserve open space to maintain or enhance rural character.

2.22 The County will promote Transfer of Development Rights as a means of preserving prime farmland and encouraging appropriate residential development patterns in rural areas.

2.23 The County will continue and strengthen the current countywide farmland and resource land protection PDR programs. Additional public and private funding sources should be sought to expand the program.

2.24 Agriculturally related commercial and industrial uses are permitted in the Rural Reserve planning areas.

3. Sensitive Areas

Talbot County's sensitive lands are composed of the tidal perimeter of the County along the Chesapeake Bay and its local tributaries. The non-tidal portions of the many necks in the western half also require special attention, as all lands here have a sensitive relationship with the natural

environment.

The Maryland Department of Planning also suggests another kind of sensitive area in its publication, *Design Characteristics of Maryland's Traditional Settlements*. It is the rural cultural landscape, the character of which is dependent on coexisting manmade and natural scenic values. These landscapes are considered sensitive to development that is out of context with historic and traditional patterns.

Descriptions of these sensitive lands' character and methods necessary for their stewardship follow.

a. Western Rural Conservation

The upland portions (non-Critical Area) of Talbot County's western necks are zoned **Western Rural Conservation (WRC)** in recognition of the high concentration of sensitive natural areas in close proximity to tributaries of the Chesapeake Bay. This planning area features a mix of agriculture, low-density residential and natural resource areas.

Also, these narrow land areas have few routes to inland parts of the County. Flooding, traffic and other road obstructions have demonstrated legitimate cause for concern, should development overcome the capacity for safe transit through these areas.

Conserving the agriculture, forestry, recreational and resource conservation uses that form the character of these areas is a high priority. The **WRC** zone will be targeted for development controls and resource enhancement programs designed to protect natural resources while providing for limited, low-density residential development with appropriate safeguards for resource protection.

b. Critical Area

The County has adopted a Chesapeake Bay Critical Area Plan which affects all waterfront areas of the County 1,000 feet landward from the shoreline or the inland edge of tidal wetlands. In the Critical Area, Talbot County zones land consistent with its Critical Area designation. The **Rural Conservation (RC)** zoning district corresponds to the Resource Conservation Area (**RCA**) designation in the Critical Area Program.

These areas are characterized by natural environments, agriculture, forestry and fisheries and it is the County's intent to retain these areas in such uses. Only low-density residential development is permitted, provided such development is located outside of habitat protection areas and can demonstrate that water quality and habitat have been maintained or improved.

Within the Critical Area, detailed regulations have been adopted which direct, manage and control residential, commercial and industrial development to minimize adverse impacts of growth. The Talbot County Critical Area Plan and the development standards it contains are discussed in greater detail in Chapter 6, Natural Resource Conservation. Regulations are detailed in the County Zoning Ordinance.

Critical Area law makes some provision for growth allocation, or re-designating land for more intense development. The total ~~amount of land that may be area available for re-designated~~ designation is limited to five percent of ~~Talbot's the County's~~ Resource Conservation Area (RCA) lands, as of 1989 (about 2,500 acres). Growth allocation should only be permitted where it advances the land use policies and objectives of this comprehensive plan.

Sensitive Areas Planning Policies

2.25 Future development in the Sensitive Areas should result be primarily characterized by open space,

agriculture, forestry, and low-density single-family detached homes.

2.26 Within the Sensitive Areas, agriculture and forest cover should remain the dominant land uses.

2.27 Residential Development in the RC and WRC zoning districts will be limited to one dwelling unit per 20 acres.

2.28 The impact of sea-level rise and extreme weather events on the health and safety of our citizens is taken into consideration when evaluating development proposals along one-way in/one-way out roads and our narrow peninsulas.

2.29 Developments utilizing Growth Allocations must be in compliance with the policies and objectives of the Comprehensive Plan.

2.30 Sensitive environmental areas shall be protected where they occur to the greatest extent possible. Discourage use of tradeoffs or incentives that increase overall density in or near sensitive areas.

III. Implemented Recommendations

The *2005 Comprehensive Plan* recommended specific land use and other policies that have been implemented through adopted regulations, ordinance, and programs. The following section outlines these management tools. The first section below discusses the adopted tools; this discussion is followed by other recommendations from the 2005 Plan that are yet to be implemented.

A. Urban Growth Boundaries or Development Districts

Talbot County has adopted urban growth boundaries in the form of **Countryside Preservation** zoning areas to delineate the boundary between the County's urban and rural areas.

B. Density/Intensity Regulations

Density regulations control growth by regulating the number of units that may be built per unit area of land (for example one dwelling unit per acre). Intensity regulations may limit the floor area or bulk of a building to a percentage of the site, establish impervious surface ratios, limit lot coverage, hours of operation, or total vehicle trips per acre per day. Both density and intensity regulations are used in Talbot County.

Density limits in the County's Zoning Ordinance were developed with the preferred character of planning areas in mind. For example Sensitive Area and Rural Reserve zoning districts limit the allowable base density for development, consistent with the stated purpose of preserving rural character and natural resources.

Following the 2005 Plan, the County adopted the **Town Conservation (TC)** zoning designation which retains a rural density (one unit per 20 acres +3) in order to discourage suburban style development in areas identified for eventual annexation and urban scale development.

C. Open Space or Conservation Development

These are regulatory strategies designed to cluster or concentrate permitted development on a parcel to retain larger contiguous areas for agriculture. As a bonus, clustered development on smaller sized lots may also reduce development costs and requires less infrastructure investment.

Prior to 2009, clustering had been a voluntary subdivision option in the Rural Reserve planning districts, permitting density increases from one dwelling unit per 20 acres to one unit per 10 acres. Transfers of development rights had permitted additional density increases to a maximum of one

unit per five acres. These density bonuses were used to protect over 3,800 acres of land through reservation of development rights agreements.

However, zoning ordinance revisions following the 2005 Plan eliminated voluntary clustering in favor of mandatory clustering of a portion of available lots in a subdivision. Open space is still conserved by recordation as ‘reserved land’ after development rights are assigned.

D. Overlay Zones

Overlay zones impose a set of requirements in addition to those of the underlying zoning district. Such zones are typically applied when there are additional planning considerations within a larger zoning district (e.g. the presence of sensitive natural features or notable scenic qualities).

The adopted **Gateway Overlay District** is an example of an overlay establishing design standards for new development and redevelopment in a commercial corridor. The Overlay Districts are shown on adjoining maps.

Overlay zones are designed to improve property values and permit desirable uses to locate only where appropriate conditions exist. **Gateway Overlay Districts** cover the major highway approaches to the four incorporated towns. ~~Since the overlays have been in place for eight years or more, it is appropriate to review their effectiveness and propose modifications where necessary. This plan recommends periodic review of the effectiveness of the Gateway Overlay Districts and, when necessary, ordinance modifications to improve their performance.~~

E. Performance Standards for Environmental Protection

Performance standards can be used to protect environmentally sensitive areas by establishing specific levels or percentages of various site resources to be protected. For example, the County limits the amount of impervious surface in most of the Chesapeake Bay Critical Area to no more than 15 percent of the gross site area. Given the sensitive nature of land located in the **Western Rural Conservation** planning area, the County ~~should consider implemented~~ additional environmental protection standards outside the Critical Area, including 15 percent area limits on lot coverage and mandatory clustering of lots in subdivisions.

IV. Remaining Recommendations

The tools noted below are additional regulatory and non-regulatory approaches to achieving plan objectives that were outlined in the 2005 Plan, but have yet to be adopted.

A. Transfer of Development Rights

TDR programs, or density exchanges, are used to transfer development potential from lands targeted for preservation to areas designated for growth. A TDR is typically a market-driven, incentive-based mechanism facilitating the purchase and sale of development rights separate from the land itself.

The County should discuss the possibility for an inter-jurisdictional TDR or density exchange, to encourage greater development density in appropriate villages or other non-municipal settings.

B. Purchase of Development Rights

PDR programs purchase and extinguish the development potential of privately held land through a voluntarily transaction. In exchange the seller of development rights agrees to permanent development restrictions placed on the land by deed of easement. Land can be transferred; however,

the easement runs with the land, restricting any further development to that provided for in the easement.

The Maryland Agricultural Land Preservation Foundation (MALPF) is the primary PDR program available to Talbot County landowners. Other transaction programs arrange conservation easements in exchange for tax consideration and are managed by the Maryland Environmental Trust and Eastern Shore Land Conservancy. Organizations such as the Nature Conservancy and the Conservation Fund hold easements here but are less active in new acquisitions.

Talbot County should follow the lead of other counties in Maryland and develop a locally funded PDR program, which could be dedicated to the purchase of development rights especially within the **Countryside Preservation** zoning district. The County should discuss the possibility of raising preservation funds through a local agricultural transfer tax or other means to support its preservation goals.

C. Greenways

Greenways are hubs of natural land linked together by a network of corridors. Greenways often have scenic qualities, emphasize cultural and historic resources and include places or trails with historic and cultural values providing educational, scenic, recreational or economic benefits to the community.

Appropriate areas include shorelines, natural corridors, abandoned rail beds or other public right-of-ways that provide for wildlife migration. Greenway hubs are significant areas that provide for wildlife habitat and biodiversity. Streams and forests are prime ecological greenways.

Talbot County's Green Infrastructure Plan, which was adopted in 2005 as an addendum to the Comprehensive Plan, identifies potential greenways throughout the County. The Conservation Fund, in 2004, produced a local-scale plan focused specifically on Talbot County. The Green Infrastructure Plan is an inventory of land and water areas that correspond with conservation priorities based on defined attributes. The purpose of the Green Infrastructure Plan is to provide the County with a methodology for prioritizing its land according to resource value and a tool that will enable County leaders to make the most educated conservation and land use decisions.

The Green Infrastructure Plan highlights the strategic value of protecting large blocks of contiguous land and establishing links and connectivity. It identifies opportunities to establish a connected matrix of natural areas, conservation lands and working landscapes. The Conservation Fund worked with Talbot County to develop a plan focusing on the protection of the County's valuable ecological, agricultural and aquatic resources. Resource evaluation involved a set of geographically based assessments to identify conservation priorities.

The Green Infrastructure Plan focuses on the preservation of:

1. Ecological resources, including sensitive species and their habitats and valuable ecosystems with their associated functions.
2. The agricultural and rural landscape, including economically productive working lands and open spaces that give the landscape its character.
3. Critical aquatic resources, including wetlands, floodplains and riparian zones that contribute to water quality and the health of the greater Chesapeake Bay system.

The Green Infrastructure Plan ranks these three resource categories relative their suitability and conservation importance the County.

Map ____, excerpted from the Plan, summarizes several locations that contain concentrations of high quality resources, recommended as high priority focus areas for coordinated protection efforts. The Plan also identifies state and federal funding sources available at the time and suggests mechanisms for protecting conservation lands.

More details on this plan can be found on the County's website. The County should consider reviewing the Plan and its implementation and making amendments where appropriate.

D. Infill and Community Redevelopment

The purpose of these forms of community redevelopment are to revitalize substandard neighborhoods by improving existing buildings and blighted or underutilized properties. These strategies can foster stronger communities or neighborhoods, promote businesses revitalization, increase the supply of affordable housing on existing infrastructure, and reduce the consumption of resource lands to support growth.

This strategy has not been considered in the unincorporated areas of the County, since redevelopment opportunities are generally more effective in densely developed areas such as ~~un~~incorporated municipalities. The County should encourage cooperative strategies with towns and Village Growth Areas to, when consistent with existing scale and character, better utilize existing infrastructure, ~~and~~ reduce demand for development in rural areas and promote village vibrancy.

Infill can provide an important development pressure relief valve, allowing sufficient development to occur within existing Population Centers, thereby reducing the pressure to develop unimproved rural locations. The State has begun an infill, renovation and redevelopment initiative to encourage use of this tool. Impediments including difficulties with land assembly, community acceptance, financing and other factors have limited this concept's use. Talbot County should work with the state to increase the acceptance and workability as infill melds with local land use goals and objectives.

V. Additional Planning Tools

In addition to the implementation recommendations described above, the following planning tools were outlined in the 2005 Plan but not considered for use.

A. Bonus (Incentive) Zoning

Conventional zoning places limitations on the intensity of property use. Alternately, incentive zoning is a trade between the community and the property owner. In exchange for providing community benefit (e.g. affordable housing, parkland, public parking facilities, or higher quality development); a developer is given a density bonus. Incentive zoning may be considered to promote the development of workforce and affordable housing in Village Planning Areas.

B. Small Area Plan

Small area plans or ~~master plans are similar to planned unit development (PUD)~~ site development plans. ~~They essentially~~ provide a preplan layout of the development types, roads and other public facilities/amenities desired for a particular site or area. The term small area plan was used in the 2005 Plan in relation to **Village Center** planning. This edition suggests more comprehensive Village Master Plans for designated Village Planning Areas.

C. Performance Standards and Development Guidelines

Performance standards regulate the specific design or result of development. Uses are permitted,

provided pre-set performance standards are met. Examples include standards to control site access, to maintain the capacity of a road system or requirements that limit the scale of a structure.

Talbot County currently uses a number of performance standards that must be met as conditions of development approval. Most of these standards are environmental protection performance standards. Fewer performance standards relate to the quality of development.

Performance standards and design guidelines may be appropriate for ~~Village-villages Centers and~~ and development guidelines could also be crafted to improve the quality of site design in ~~the~~ Designated Village Growth Planning Areas. There are recommendations to update the County's 1991 *Design Manual* and some standards and guidelines are outlined in the Community Design chapter (Ch. 9) of this Plan.

VI. Recent Annexations

A significant change in assumptions from the previous Comprehensive Plan concerns the Memorial Hospital in Easton. The hospital, as part of Shore Health System, merged with the University of Maryland Medical System (UMMS) in 2006. The UMMS development plans are discussed in Chapter 4 (Community Services and Facilities).

~~Shortly afterwards the System began investigating sites for a larger hospital campus. Since Memorial Hospital is such a large employer in the area and its services span a broad range, the Talbot County Council and other local leaders worked to retain the facilities in Talbot County and in a central and sustainable location. A site was secured and in 2008, UMMS, Talbot County and the Town of Easton executed a memorandum of understanding to provide land and public facilities for hospital relocation.~~

Three parcels of land north of Easton between Hailem School Road and Ocean Gateway were annexed into the Town in order to qualify for the extension of sewer and water lines (see Map 7). The Town and County comprehensive plans were both amended to accommodate a Health Care District, a new Easton zoning category. The annexation also included the site of the Talbot Community Center, which adjoins the hospital site. This was followed by the annexation of the Hyde Park community east of Ocean Gateway to take advantage of the availability of sewer lines to address a failing community sewerage system.

Other annexations (shown below) include Talbot Commerce Park and an industrial parcel west of Easton have occurred, consistent with municipal growth plans and County land use policy.

VII. Recent State Law

A. Amendments

In compliance with the *Sustainable Growth and Agricultural Preservation Act of 2012* (SB 236), the Talbot County Council adopted septic tier designations for land in Talbot County in December, 2012. This system is designed to improve water quality and to encourage smart growth through the limitation of major growth on individual on-site septic systems.

The Act and the attendant guidance document describes four basic Tiers of land use categories, created to identify where major and minor residential subdivisions may be located in a jurisdiction and what type of sewerage system will serve them.

State Tier descriptions and other information about the Act can be found on the Maryland Department of Planning website at

<http://planning.maryland.gov/OurWork/SB236Implementation.shtml>.

The intent of **Tier I** is to identify Designated Growth Areas that are served by public sewer systems and will support long-term, planned development.

Tier II is the term for Designated Growth Areas that are planned for public sewer in the future.

Tier III is meant to identify areas that are planned for large development, or are existing rural villages or towns without public sewerage systems.

Tier IV is intended to identify areas where large lot development would conflict with local goals for agricultural and natural resource land use protection.

In the process of Tier designation, local jurisdictions were encouraged to discuss variations from the four basic Tiers, in order to accommodate local plans. Talbot County created subsets of **Tiers II and III** to better conform with land use policies and sewer service plans. The County's tier system is described below with the land use implications for each tier.

The original designations and the maps were accepted by the Maryland Department of Planning in February, 2013. This plan presents slightly revised Tier definitions and a correspondingly revised map

~~Tier designations as depicted on (Map 12) at the end of this chapter, are slightly revised from the 2013 version, to correct errors on portions of the map.~~ Per state law the Tier map is hereby incorporated as part of the *Talbot County Comprehensive Plan*.

Tier I — Existing Sewered and Mapped Growth Areas

This tier consists of properties presently ~~in a Designated Growth Areas and~~ served by an existing municipal sewer system for the purpose of growth and development. Private systems in areas not planned for growth and areas served by public sewer primarily for environmental health, safety and water quality improvement are not identified as Tier I.

Tier II — Mapped Growth Areas Planned for Sewerage

This Tier has been subdivided into sub-tiers A, ~~B and through C~~, for consistency with County and municipal growth as outlined in the respective comprehensive plans.

Tier IIC areas are not planned for sewer in the near term, in County Water and Sewer Plans. As described in Section II. A. (beginning on page 2-4), the County has delineated Designated Growth Areas and Future Growth Areas. Designated growth, generally within existing PFAs, are situated in Tier IIA. Other areas identified for future growth but not currently in a PFA are included in either Tier IIB or IIC, depending on the horizon for annexation and development.

Tier III — Mapped Water Quality Strategy Areas with Limited Septic System Capacity

Tier IIIA — Rural Communities Not Planned for Sewerage

~~This sub-tier consists of existing settlements within areas designated for resource protection, developed on septic systems. This tier designation recognizes existing communities and their limitations in local plans which are not intended to become growth areas. Infill development is the only planned development and sewer service is not anticipated. Also, several small, commercially or industrially zoned parcels are included in this designation.~~

Tier IIIB — Water Quality Strategy Areas, With or Planned for Sewerage

Tier IIIC —Areas of Limited Sewer Service

Note: These definitions are under review by the Talbot County Planning Commission and Public Works Advisory Board. Updated definitions will be posted at the earliest opportunity.

Tier IV — Mapped Resource Protection Areas

This tier covers over 113,000 acres, which exceeds 80 percent of the land area in Talbot County and more than 88 percent of the non-municipal land area. This land is designated for limited development in the County Comprehensive Plan and Zoning Ordinance and has been identified for preservation under applicable state programs and regulations.

B. Other Land Use Amendments

The *2005 Comprehensive Plan* has been amended twice to comply with state mandates, and once to create a new land use category. The amendments are as follows:

1. An amendment to adopt a Priority Preservation Area Plan was adopted in March, 2010. The plan is incorporated into the Agriculture chapter of this Plan.
2. A Water Resources Element was adopted in April of 2010. The amendment has been updated where new information is available and incorporated into the Natural Resources chapter of this Plan.
3. In December of 2008, a Resolution was adopted to amend the County land use map and Easton growth area map to incorporate a regional healthcare facility into a new growth area.

VIII. Summary

Growth management has been the foundation for Talbot County's comprehensive plans since the first plan in 1973. This Plan carries forward the objective of maintaining the County's rural pattern of settlement, by guiding urban development to areas where public infrastructure exists and by discouraging development in the most rural and environmentally sensitive places.

Talbot County has retained its historic rural character and land use patterns over time. Policies implemented over the past few decades have maintained a reasonable balance among land uses.

Land use plans continue to recognize the value of farmland and the importance of judicious growth management strategies. No substantial changes to the County's tradition of land use planning are suggested.

The remainder of this Plan addresses the other elements of the comprehensive plan and for each subject element provides an assessment of current conditions along with policies and recommendations to achieve the County's desired future conditions in that area. The next chapter addresses transportation and utilities.